

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TYRONE DAVIS SMITH,
Petitioner,

v.

Case No. 09-C-725

WILLIAM POLLARD,
Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO PAY FILING FEE
FROM RELEASE ACCOUNT**

On July 24, 2009, Tyrone Davis Smith ("Smith"), a person incarcerated pursuant to a state court judgment, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Accompanying his petition was a motion wherein Smith seeks the court to order the Green Bay Correctional Institution to release \$5 from his release account to cover the filing fee for the habeas petition. Smith represents that he has approximately \$30.00 in his release account whereas he has less than \$5.00 in his regular trust account. After due consideration, and in light of Smith's request that prison officials withdraw the \$5.00 filing fee from his release account, the warden at the correctional institution where the petitioner is incarcerated is directed to submit to the Clerk of Court within 21 days of the date of this order the \$5.00 as the petitioner's payment of his filing fee. See Doty v. Doyle, 182 F. Supp. 2d 750, 751-52 (E.D. Wis. 2002). Upon receipt of the filing fee, the court shall then screen Smith's petition in accordance with Rule 4 of the Rules Governing Section 2254 Cases.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 29th day of July 2009.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge